

Rehnquist Supreme Court's recent decision to step into the Florida Presidential vote controversy should be no surprise, given the recent Supreme Court's past judicial behavior. Mr. Kramer offers a litany of examples that show how the Rehnquist Supreme Court has a conservative judicial activist agenda. For example, the Supreme Court cast aside nearly 70 years of precedent in the area of federalism, by ruling that Congress could no longer address violence against women, could not impose liability on state governments for age discrimination, or could not hold states accountable for violating copyright laws. The Florida case shows that judicial prerogative, not state's rights guides the Rehnquist Supreme Court. The recent Supreme Court ruling to vacate the Florida Supreme Court's decision to allow for the recount of uncounted ballots during the Bush-Gore Presidential election unfortunately will forever taint the Supreme Court as arrogant, impartial, and partisan. Professor Kramer's deserves praise for analyzing the Supreme Court's drift towards "judicial prerogative," and away from a strict constructionist judicial philosophy.

[From the New York Times, Dec. 12, 2000]

NO SURPRISE. IT'S AN ACTIVIST COURT.

(By Larry D. Kramer)

The Supreme Court has reached out aggressively to solve the nation's election problem, inserting itself into a major political controversy. News commentators and legal experts seemed surprised when the court stepped into this thicket. They shouldn't have been.

The Rehnquist Court has been using law to reshape politics for at least a decade. We keep hearing that it consists of "strict constructionists" who (as George W. Bush put it during the debates) oppose "liberal judicial activism." That's because conservative judicial activism is the order of the day. The Warren Court was retiring compared to the present one.

Warren Court activism was largely confined to questions of individual rights, mainly racial equality and the treatment of criminal defendants. The Rehnquist Court has been just as active in this domain. To list a few examples, it has disowned affirmative action, finding no difference between Jim Crow and laws designed to help disadvantaged minorities. It has overturned decades of jurisprudence that protected religious minorities from laws that intruded on their rituals. And it has all but eliminated the right to federal review of state criminal cases.

Individual rights are important, but they actually affect only a small portion of what government does. The real guts of our democracy lie in the system's structure and the way powers are allocated. And here the

The court cast aside nearly 70 years of precedent in the area of federalism, holding that Congress cannot use its powers under the Commerce Clause or the 14th Amendment to regulate matters that touch on state interests, unless the court approves. It has declared, among other things, that Congress could not address violence against women, could not impose liability on state governments for age discrimination, could not hold states accountable for violating copyright laws and more.

But perhaps the most audacious instance of judicial activism is the way the court has extended the doctrine of judicial review itself. It was the Warren Court that first

clearly established, in connection with school desegregation, that the Supreme Court has the final word about the meaning of the Constitution. Still, that court usually (though not always) gave great weight to the interpretations of other political actors.

But the Rehnquist Court has no such inclination. Thus the court struck down the Religious Freedom Restoration Act because it was unwilling to give Congress the authority to provide greater protection to religious minorities than the court itself would give.

Many have viewed the court's actions as aimed at protecting states by limiting the federal government. But the Florida case shows that state governments get no more deference than other branches of government when they run afoul of the court's views of what the law ought to be. Judicial prerogative, it seems, not states' rights, has been at the heart of the Rehnquist Court's docket.

The court's confidence in its own supremacy may have propelled it to try to settle this presidential crisis. And if the court succeeds, the nation may well breathe a sign of relief, grateful that someone brought this mess to a close. But the court's credibility will surely suffer. And if that diminishes a confidence that has begun to veer toward arrogance, this may not be such a bad thing.

IN HONOR OF DAVID RIVERA
CARRASCO, JR., FOR HIS SERVICE
AND DEDICATION TO OUR
NATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to David Rivera Carrasco, Jr., in memory of his service to the community as a loyal citizen and as a proud member of our Armed Services.

Mr. Carrasco was born on February 9, 1918 to David and Angelita Rivera Carrasco in El Paso, Texas. The family relocated to Coachella, California in 1920. In January of 1942, Mr. Carrasco was enlisted into the U.S. Army. He served seven months in the Continental Army as a military gunner and search light crew member. As a member of the 349th infantry, Mr. Carrasco was dispatched to New York to protect the Atlantic coast from foreign invasion. In August 1942, Mr. Carrasco was reassigned to serve under General George Patton's forces in Europe and Northern Africa. He served proudly under General Patton for four years as an engineer. His work in the front lines of North Africa helped to turn the tide against the Axis forces and liberate France and Italy. For his bravery and dedication, Mr. Carrasco was awarded the Good Conduct Medal and the European African Middle Eastern Campaign Medal for Bravery.

The bravery and patriotism demonstrated by Mr. Carrasco could also be found in his brothers Joe and Samuel, who also served in the U.S. Armed Forces. Joe served under General Dwight Eisenhower and was among the first wave of soldiers to storm the beaches of Normandy on June 6, 1944. Samuel was dispatched to the Pacific Islands and served his country valiantly. Mr. Carrasco and his family are truly a distinguished part of our nation's military history.

Colleagues, please join me in celebrating the life of a true American hero. Mr. Carrasco will be remembered for his service to our country and the community. He is survived by his sister Antonia Carrasco Cervantes and his brother-in-law Gregorio Cervantes, Sr. As his Representative in Congress and as a member of the Armed Services Committee, I am proud to recognize David Rivera Carrasco, Jr., for his contributions to our nation.

METHAMPHETAMINE LEGISLATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. BERKLEY. Mr. Speaker, I rise to express my strong support for the methamphetamine legislation signed into law this session as part of the Children's Health Act of 2000. I strongly support the provisions of this bill that address the methamphetamine problem and the sale of pseudo-ephedrine, the primary ingredient in the manufacture of methamphetamine.

The production of methamphetamine and the unregulated sale of pseudo-ephedrine is a serious problem in my district of Las Vegas. Local law enforcement agencies work tirelessly to combat the abuse of this drug, and to crack down on the toxic methamphetamine laboratories that inhabit rental properties and hotel rooms that are often used by tourists.

I concur with the provisions in the legislation to reduce the amount of pseudo-ephedrine that can be purchased in a single transaction from 24 grams to 9 grams. At the present time, the 24 grams of pseudo-ephedrine that can be legally purchased equates to about 900 tablets. It seems obvious that a person in need of pseudo-ephedrine for its intended purpose to relieve cold symptoms does not need this quantity of the drug.

I also strongly support the provisions of the bill that strengthen the sentencing penalties for those who manufacture this drug, and the provisions that provide the critical training to local and state law enforcement agencies so they are able to safely and effectively fight this drug. However, I believe that it is equally important that we take the next step and increase regulation of the sale of pseudo-ephedrine.

I have talked with local law enforcement agencies about the unregulated sale of pseudo-ephedrine and I'm all too familiar with the frustrations they face on a daily basis. There is evidence that drug wholesalers from other states come into the State of Nevada and sell pseudo-ephedrine by the caseload to retail outlets. When the distributors are asked why they traveled such distances to sell their drug in Las Vegas, they simply say that their home state "does not have a methamphetamine problem." This is shameful, and the problem must be rectified.

There is no federal law requiring retail outlets that sell limited amounts of pseudo-ephedrine to keep records of transactions. Without federal regulation, there is no uniform, reliable method to track the distribution of this drug. Illegal methamphetamine laboratory operators

may continue to buy this drug by the caseload without a single record of transaction being documented. And because there is no federal regulation, law enforcement agencies do not have authority over the exchanges.

Reducing the number of grams for purchase and increasing fines and penalties are a step in the right direction. But more needs to be done. We need to have greater accountability and we need to give law enforcement agencies the authority to intervene when drugs are being purchased for illegal activities.

Methamphetamine is a growing problem already plaguing many cities and it is spreading across the nation. We must make common sense changes in our national policy today, in order to curtail the drug crises of tomorrow. I applaud the recent changes regarding methamphetamine and the sale of pseudo-ephedrine, and I will support future efforts to strengthen these policies.

HONORING BOBBIE HOUSEHOLDER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to recognize an outstanding citizen of East Tennessee, Mrs. Bobbie Householder. She has recently been given the 2001 Pride of Tennessee Award, an award presented annually to a person with a history of dedication to the community of Blount County.

Mr. Speaker, I can think of no better person this could be awarded to than Bobbie Householder. She worked for the Blount County Chamber of Commerce for 33 years, but her service to the people in her community did not end there. Since her retirement, Bobbie has served as President of the Friends of the Library. In addition, she is also a member of the Keep Blount Beautiful Board and a member of the Blount County Bicentennial Committee, just to name a few. I commend Mrs. Householder for her dedication and tireless work for the community in Blount County. This Country would be a better place if there were more people like Bobbie Householder.

Mr. Speaker, I have included a copy of a story that ran in the Daily Times that honors Mrs. Householder and would like to call it to the attention of my fellow colleagues and other readers of the RECORD.

[From The Daily Times, Dec. 5, 2000]

BOBBIE HOUSEHOLDER'S WORK AS VOLUNTEER IS UNEQUALLED IN BLOUNT

No one individual's life is as entwined in the history of the Blount County Chamber of Commerce as that of Barbara Ann "Bobbie" Householder and few, if any, have been as involved in the community.

As most of you know, Bobbie is the recipient of the 2001 Pride of Tennessee Award presented annually by Blount County Executive Bill Crisp to someone who has a history of community involvement and always has been willing to work for a better place for all of us to live and work. Bobbie and husband Glen, married for 53 years, have three offspring. Glenda Eastridge is a teacher at Lanier Elementary; Alan, the outdoors man,

works at Southern Safari in Asheville, N.C., has hiked the Appalachian Trail, the Pacific Crest Trail, and the Mountain to Sea Trail from Newfound Gap to the Outer Banks in North Carolina, as well as across England; and Gary, a retired Army lieutenant colonel who lives in Louisville, KY. They have four grandchildren, Cindy and Brain Householder in Louisville and Jeff and Amy Eastridge in Alcoa. A native of Knoxville, Bobbie moved to Blount County in 1952.

For many years the chamber staff consisted of the executive director, bookkeeper, and Bobbie who was the jack of all trade, doing office responsibilities plus coordinating chamber projects. For 25 years she was responsible for the United Way campaigns, just part of her responsibilities. In the end the "umbrella" administrative office included the Blount County Chamber of Commerce, Blount County Industrial Board, Chamber Foundation, and the Smoky Mountain Visitors Bureau. She served as vice president of all except the industrial board. Bobbie worked with five executives, Bob Lamb, Wilson Borden, Ken Faulkner, Jim Caldwell and then almost 18 years with Bill Dunavant. During that time she worked with 34 chamber presidents from J.P. Huddleson in 1961 through the first part of the term of Brad Sayles in 1994.

When she began work, the office was in Maryville Municipal Building, then it moved to come out on a Thursday. Then, on Sunday, I read an article about "how the officers involved had been affected by this," McConnell said. "I called the sheriff Sunday afternoon and told him about our idea. He jumped on it. He said he never wanted to cover another case like the one in Townsend." Sheriff James L. Berrong took the "safe place" idea to Attorney General Mike Flynn. A week later, more than a dozen people sat down to talk about changing the idea into reality. Those at the meeting included: State Sen. Bill Clabough; Representative-elect Doug Overbey; Blount County Health Department director and former pediatrician Dr. Ken Marmon; June Love of the Blount County Department of Children's Services; Lynnelle Hammett and Barbara Collins of Child and Family Services; Adina Chumley, public information officer for the sheriff's department and the adoptive mother of two; Knox County District Attorney Randy Nichols; Smid of Hope Resource Center; Flynn, the father of a son and daughter; Berrong, the father of a son and daughter; McConnell and Yount.

SAVING BABIES, MOTHERS

Nichols agree to write the first draft of the proposed legislation using laws from other states as examples. Clabough has agreed to introduce a Secret Safe Place law for Tennessee when the legislature convenes in January. "I can't imagine a valid reason it would not pass," McConnell said. The group discussed the pros and cons of making it possible for a mother to surrender her baby without being identified and without fear of being prosecuted. McConnell and Yount shared the facts and figures they gathered last spring with additional information they collected in the fall.

Alabama was apparently the first to start working on legislation making a "Secret Safe Place for Newborns" possible. The idea was sparked there by a reporter "Jody Brooks" after she covered two cases of babies abandoned and later found dead. Texas was the first state to actually pass legislation to protect mothers who surrender their babies from prosecution and provide them with a way to remain anonymous. The law

was passed there after 13 dead babies were discovered in just

McConnell and Yount have also spoken with Terry Little, director of the emergency room at Springhill Memorial Hospital in Mobile, Ala., where Little accepted the first baby surrendered after the legislation passed. Little told the Maryville women since the law provides surrender at hospitals, even the cleaning staff has been trained in how to handle those situations.

Yount said Blount Memorial Hospital has been contacted and will be represented in future meetings about the program.

McConnell said they also discussed how to help frightened young girls unable to get to a hospital without asking someone to drive them. A private hot line is proposed which would allow someone to call and report the location where a baby would be left, allowing an officer to pick up the newborn.

Yount said babies being surrendered must be unharmed and released within 72 hours of birth. However, she said there is a period in which the mother may change her mind and reclaim her child. The mother is also asked to provide a family medical history since many diseases are hereditary, but she is not required to do so.

INFANT NEEDS IMPORTANT

She said babies in Mobile go immediately to adoptive parents to allow them to bond with someone as soon as possible.

Marmon said bonding is important to every child's well-being and must be considered carefully as the Tennessee law is being written.

Flynn said it might be possible to have couples seeking adoption qualified as foster parents so the baby could be placed with them immediately while the necessary paperwork is done to legally end the parental rights of the birth mother and father.

McConnell said in some states, those in the adoption community have expressed concern over the possibility of "unstable adoptions" of abandoned babies. "I don't see it affecting traditional adoptions," McConnell said. "Which is worse" an adoption that might not work out or a dead baby? Our concern is the rights of each child."

Some were concerned the law might relieve young women of responsibility for their actions, but McConnell and Yount said they believe caring for a baby by giving it up for adoption is a responsible option already available.

Others were concerned the new law might cause an epidemic of newborns being surrendered. However, there have only been five surrendered newborns in Alabama since the law took effect in 1996. More importantly, there have been no babies found abandoned and dead in Alabama or Texas since the laws were passed in the two states. "This is a tiny target group the law will affect," McConnell said. "Most pregnancies are found out by someone. It's those few who manage to keep it a secret throughout the pregnancy who may abandon the baby when it's born. "Babies shouldn't be hidden in sheds or dumpsters or under a bed, somewhere they will die."

MOTHERS ARE ANONYMOUS

Yount stresses the importance of allowing the mother surrendering a baby to remain anonymous. "This is a major issue," McConnell said.

She explained there is a fine line parents try to walk, to pressure their children to live up to their expectations as far as behavior but let them know they can come to a parent if they make a even a serious mistake. She said young girls who